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A Limited Liability Law Partnership

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Attorney for Defendant Bank of Hawaii

IN THE UNITED STATES DISTRICT FOR THE  
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	) Case No. CV08-000493 SOM KSC
	)
Plaintiff,	)
	)
vs.	) DEFENDANT BANK OF HAWAII'S
	) SCHEDULING CONFERENCE STATEMENT;
	) CERTIFICATE OF SERVICE
MICHAEL WILLIAM FLAHERTY,	)
MARGARET RONA LEE FLAHERTY, BANK	) Scheduling Conference:
OF HAWAII, THE STATE OF HAWAII,	) Date: February 9, 2009
DEPARTMENT OF TAXATION,	) Time: 9:00 a.m.
	) Judge: Kevin S. C. Chang
Defendants.	)
	)

DEFENDANT BANK OF HAWAII'S SCHEDULING CONFERENCE STATEMENT

Comes now Defendant BANK OF HAWAII (hereinafter referred to as Defendant LENDER), and respectfully submits its Scheduling Conference Statement in accordance with Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.2(b) of the Rules of the United States District Court for the District of Hawaii.

1. Short Statement of the Case

This cases arises out of alleged non-payment of taxes and tax liability owed by Defendant Michael William Flaherty to

Plaintiff United States of America. Plaintiff seeks to reduce the tax liability to a judgment and to subsequently foreclose upon its judgment. The judgment would presumably attach to that certain real property located at 53-3951 Hiwahiwa Road, Kapaau, Hawaii 96755 ("Property") that is owned by Defendant Michael William Flaherty and Defendant Margaret Rona Lee Flaherty (collectively, "Defendants FLAHERTY").

Defendant LENDER has an interest in the Property by virtue of its first mortgage dated May 12, 1993, recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 2025882 and its second mortgage dated September 9, 1993, recorded as aforesaid as Land Court Document No. 2070854.

2. Statement of Jurisdiction

This Court has jurisdiction over this case.

3. Demand for Jury Trial

Defendants FLAHERTY have made demand for a jury trial.

4. Appropriateness, Extent and Timing of Disclosures

Defendant LENDER has not yet filed any disclosures in this case but intends to file its disclosures shortly.

5. Discovery Completed/In Progress/Motions Pending

Defendant LENDER has not conducted any discovery at this point in the proceeding.

6. Appropriateness of Any Special Procedures or Other Matters

Defendant LENDER has not requested any special procedures or other matters but reserves the right to request any special procedure should one be deemed necessary.

7. Related Cases Pending in any State or Federal Court

Defendant LENDER is not aware of any related cases pending in any State or Federal Court.

8. Additional Matters

None.

DATED: Honolulu, Hawaii, February 9, 2009.

/S/ CAROLINE S. OTANI  
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Attorney for Defendant  
BANK OF HAWAII

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Plaintiff,	)	CERTIFICATE OF SERVICE
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vs.	)	
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MICHAEL WILLIAM FLAHERTY,	)	
MARGARET RONA LEE FLAHERTY, BANK	)	
OF HAWAII, THE STATE OF HAWAII,	)	
DEPARTMENT OF TAXATION,	)	
	)	
Defendants.	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2009, copies of Defendant Bank of Hawaii's Scheduling Conference Statement were duly served upon the following named parties in the manner listed below:

	<u>Mailed</u>	<u>CM/ECF</u>
JEREMY N. HENDON Tax Division U.S. Department of Justice P.O. Box 683, Ben Franklin Station Washington DC 20044-0683 Attorney for Plaintiff		X
MICHAEL WILLIAM FLAHERTY P.O. Box 1308 Kapaau, HI 96755 Defendant	X	
MARGARET RONA LEE FLAHERTY P.O. Box 1308 Kapaau, HI 96755 Defendant	X	

KRISTIE CRUZ CHANG  
Department of the Attorney General-  
State of Hawaii  
425 Queen Street  
Honolulu, Hawaii 96813  
Attorney for Defendant  
State of Hawaii, Department of Taxation

X

DATED: Honolulu, Hawaii, February 9, 2009.

/S/CAROLINE S. OTANI  
CAROLINE S. OTANI  
Attorney for Defendant  
BANK OF HAWAII